Secrt. II-27—100,000—21-5-42.

E & P. H (1948) Department.

MS SERIES.

G.O. No. 2199 P. H

Dated 28.6.48

[Despatch Abstract.]

Legislative Assembly Question - 102 - Steps taken to enforce the Madras Public Health Act, 1939 - Papers - Recorded.

STEPS TAKEN TO ENFORCE PUBLIC HEALTH ACT.

193 - Question BEGUM SULTAN MIR AMIRUDDIN:- Will the Hon'ble the Minister for Public Health be pleased to state:-

(a) what steps the Government propose to take to see that the people adhere to the provisions of the Public Health Act; and

(b) what steps the Government are taking to see that the municipalities and district boards earmark the necessary funds for public health purposes as provided in the Public Health Act?

THE HON'BLE SRI. A.B. SHETTY:- "(a) The provisions of the Madras Public Health Act, 1939, are enforced by the local authorities through their Executive Officers and Health Officers with the aid of subordinate staff which they employ from time to time with the sanction of the Government. Rules and regulations have been framed under the various sections of the Act to enforce the provisions of the Act and penalties have also been provided for breach of these provisions in certain cases. The Executive or Health Officers have also been empowered to launch prosecutions wherever necessary. The Government have taken and are taking all steps permissible to them under the powers vested in them under the Act to see that the provisions of the Act are enforced.

"(b) The budget estimates of District Boards and Municipal Councils are submitted to Government for approval and the Director of Public Health is consulted in regard to the adequacy of the funds provided for such purposes. Under the Madras Public Health Act, not less than 30 per cent of the ordinary receipts other than Government grants in the case of Municipalities and 12½ per cent in the case of District Boards should be ear-marked for public health purposes. This provision is always kept in view in approving the budget estimates".

BEGUM SULTAN MIR AMIRUDDIN:- "Is not the Hon'ble Minister aware that the provisions of the Public Health Act are being respected more in their breach than in their observance?"

THE HON'BLE SRI. A.B. SHETTY:- "Due provision is made in the Act, Sir, for imposing penalties for any breach of the provisions".

MS. ABDUL MAJID SAHIB BAHADUR:- "Is the Hon'ble Minister aware that due to the non-adherence to the provisions of the Public Health Act, cholera and such other epidemics are spreading in the Province?

THE HON'BLE SRI. A.B. SHETTY:- "The chapter on infectious diseases is the longest in the Public Health Act and all the necessary steps in regard to the control and prevention of epidemics are being taken".

M. MUHAMMAD ISMAIL SAHIB BAHADUR:- "Do not the Government think that the proportion earmarked for Public health purposes by the local bodies is rather too low?

THE HON'BLE SRI. A.B. SHETTY:- "That is a matter of opinion, Sir".

DR. S. SUBRAHMANYA AYYAR:- "Will the Government constitute a committee for reviewing the work of the Public Health Act ever since it was enacted".

THE HON'BLE SRI. A.B. SHETTY:- "I cannot give any undertaking on this matter. It is a matter that has to be given consideration.

DR. M.J. SAMUEL:- "As the 12½ per cent allotted by the district board managements for public health purposes is not quite adequate, may I suggest to the Government that early steps be taken to enhance the 12½ per cent to 20 per cent as in the case of the municipalities?"

THE HON'BLE SRI. A.B. SHETTY:- "The matter will be considered".

M. MUHAMMAD ISMAIL SAHIB BAHADUR:- "I want to know whether the Government will consider the desirability of straightaway instructing local boards to raise the proportion of the funds allotted for public health purposes?"

THE HON'BLE SRI. A.B. SHETTY:- "Unless the Act is amended that cannot be done, Sir".

BEGUM SULTAN MIR AMIRUDDIN:- "Is it not a fact that even the minimum that has been fixed in the Act, namely, 12½ per cent and 30 per cent, are not being earmarked by the local bodies for public health purposes? Will the Government see to it that the local bodies earmark the necessary funds for these purposes in pursuance of the Public Health Act".

THE HON'BLE SRI. A.B. SHETTY:- "The percentage laid down is exceeded in some cases, Sir. Several of the local bodies may not have sufficient finances to spend in conformity with the provisions of the Public Health Act".

M.S. ABDUL MAJID SAHIB BAHADUR:- "Arising out of the answer given by the Hon'ble Minister, will he undertake to bring in an amendment of the Act as early as possible?"

THE HON'BLE SRI. A.B. SHETTY:- "I have already said, Sir, that that is a matter for consideration. No undertaking can be given now".

DR. S. SUBRAHMANYA AYYAR:- "Did the Government review the working of the Public Health Act and have they satisfied that the provisions are properly given effect to by the local boards and municipalities?"

THE HON'BLE SRI. A.B. SHETTY:- "The Director of Public Health is issuing directions by means of circulars to the Health Officers from time to time in this matter. Even as late as June 1947 he has issued a circular to all the Health Officers to ensure better inspection and control regarding the preparation and sale of foodstuffs".

M. MUHAMMAD ISMAIL SAHIB BAHADUR:- "Arising out of the answer to my previous question, may I know whether the Hon'ble Minister stated that the allotment earmarked for public health purposes was actually exceeded in certain cases and if so under what provision such excess was allowed, Sir".

THE HON'BLE SRI. A.B. SHETTY:- "Only the minimum percentage is laid down in the Act. It can be exceeded whenever there is any necessity for it".

M. MUHAMMAD ISMAIL SAHIB BAHADUR:- "May I ask the Government to instruct local boards to raise the minimum which they have now fixed for this purpose?"

THE HON'BLE SRI. A.B. SHETTY:- "We cannot do that, Sir".

BEGUM SULTAN MIR AMIRUDDIN:- "May I request the Hon'ble Minister to let us have information as to the names of the municipalities and local boards that have exceeded the minimum fixed? My information is that many of them have been alloting for public health purposes much less than what has been

prescribed by the Act. Will the Hon'ble Minister furnish information as to how many municipalities and local boards have exceeded the municipalities and local boards that have executed the minimum and the names thereof?"

THE HON'BLE SRI. AB. SHETTY:- "The Hon'ble Lady Member may kindly put down a separate question, Sir".

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GOVERNMENT OF MADRAS.
Education and Public Health Department.

Memorandum No. 64281/E1/47-4, P.H. dated 17.3.1948.

Sub:- Public Health Act - Enforcement of - Constitution of a Committee for reviewing.

Ref:- From the Director of Public Health, R.No. 60498-IV/47 dated 1.9.1947.

It has been suggested that a Committee may be appointed to review the work done under the Madras Public Health Act, 1939, ever since it was enacted. The Director of Public Health is requested to offer his remarks on the suggestion.

x x x

To

The Director of Public Health, Madras.

From

Dr.
Rao Bahadur/R.M. Mathew, D.P.H. (Camb).,
Director of Public Health, Madras.

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.

R.No. 28000-1/P.W.R/48 dated 9th June 1948.

Sir,

Sub:- Public Health Act - Enforcement of - Constitution of a Committee.

Ref:- Government Memorandum No. 64281/E1/47-4 P.H. dated 17th March 1948.

The Madras Public Health Act is an act to supplement the provisions already found in the Madras District Municipalities Act, the Madras Local Boards Act and other Acts bearing on public health, safety and convenience. It gives certain powers to Government, controlling authorities, etc., and lays certain obligations, including ear-marking of revenues for expenditure on public health, on the local authorities. These enable the provisions of the Act to be carried out effectively. The local authorities have to take action for example under sections 17,27,37,45,54,55,78,

80-B, 82 and 89 of the Act. The Health Officer should take action for instance under sections 24,26,28,33,38,39,44,53,57,76,85, 122, 124, etc. of the Act.

2. The Act was passed just on the eve of the World War II and during the War years everyone was preoccupied with the successful prosecution of the War. In the Past war years, considerable educational work was done to explain the provisions of the Act to the public. The provisions of the Act are now being enforced wherever it is found necessary. The stage has been reached now probably when there is some demand from sections of the public for the enforcement of the Act. Although some assessment of the working of the Act may be useful. I am afraid it may be too early to appoint a committee for the purpose.

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/True copy/

Office Assistant,
Madras Record Office.

k.y.s. 9.3.

EDUCATION & PUBLIC HEALTH DEPTT.

Arising out of a starred question regarding the steps taken by the Government to enforce the Public Health Act, a supplementary question was asked by Dr. S. Subrahmanya Ayyar, M.L.A. as to whether the Government would constitute a Committee for reviewing the work of the Public Health Act ever since it was enacted. Hon'ble Minister (Public Health) replied that he could not then give any undertaking in the matter and that it had to be given consideration. In the Memorandum on page 15 c.f. the Director of Public Health was asked to offer his remarks on the suggestion to constitute a Committee for reviewing the work done under the Madras Public Health Act ever since it was enacted. The Director of Public Health's remarks are at pages 17-18 c.f. For the reasons stated in paragraph 2 of his letter on pages 17-18 c.f. the Director considers it too early now to appoint a Committee. In the circumstances it is for orders whether the question of appointing a Committee for this purpose may be deferred for the present.

I agree with A.S. For orders.
x x
17.6.

Even apart from the question whether it is now has early or too late to constitute a Committee then is the question whether it is necessary at all to constitute a Committee to review the work so far done under the Public Health Act. The needless to do so and no purpose will be served by it. The task will also be a laborious one and is not worth the trouble.

x x x
16.6.1948.

H.M. (Agriculture). A.B. Shetty,
25.6.

x x x

Please see the orders in circulation on page 7 ante. No further action is called for in this case. The papers may now be recorded.

x x x
26.6.1948.

G.O.. Ms. No. 2199, Public Health, dated 28.6.1948.

Legislative Assembly Question - 193 - Steps taken to enforce the Madras Public Health Act, 1939 - Papers - Recorded.

/True copy/

Office Assistant,
Madras Record Office.

k.y.s. 3.9.